

Sealing Update – CINS Verification & Non-JCMS Counties

Distributed to CJPOs on March 8, 2016

The TJJD Legal Help Desk has received inquiries about the development of an efficient process to conduct searches to locally verify the DPS Sealing Notification (JJIS/CJIS) and the TJJD CINS Notification lists of juvenile candidates who are eligible for sealing. Although not mandated under the new law, TJJD and DPS have conducted searches as a voluntary (and transitional) measure to assist in carrying out HB 263/SB 1707. Over the past several months and again in early February, the Legal Help Desk has provided ongoing updates that contain helpful implementation recommendations. The purpose of this email is to follow up on one aspect of the process for local verification of CINS conduct. Specifically, the four counties that do not participate in JCMS (non-JCMS counties) have expressed concerns about the inability to process and be responsive to requests to cross-check and verify CINS history from juvenile probation departments around the state.

To put the issue in context, TJJD's CINS Notification list is derived solely from the information submitted by each juvenile probation department through monthly extracts. The TJJD list does not include cross-county matches of each juvenile's offense history. As such, the LHD and JCMS Support suggested steps to facilitate the local verification searches of subsequent and pending CINS conduct. In particular, counties that utilize the JCMS system have the benefit of conducting a system search to determine whether a juvenile has pending or subsequent CINS history or other contact events in all JCMS counties. However, information relating to CINS history in non-JCMS counties do not appear in these search results. To that end, an information gap exists for JCMS counties (that cannot cross-check and verify non-JCMS history) and the non-JCMS counties (that do not have the ability to cross-check and verify JCMS history).

We recognize that the current sealing provisions require a child to have no subsequent or pending delinquent conduct or CINS conduct after meeting the statutory sealing criteria. The goal of the local verification process is to comply with the statutory language. In the absence of these supplemental steps, there is a remote possibility that a child may have out-of-county CINS history at the time eligible records are sealed. The reality is that the CINS conduct is maintained at the local level only and is not part of the JJIS statewide repository. Given the limitations for verifying CINS history, it will be important for each county to develop a verification process based on what it considers to be "due diligence" and the information known and available. It will be important to work with your local counsel or county attorney in the development of policies and related procedures.

Please keep in mind that in the coming months, the Juvenile Records Advisory Committee has convened and will examine many of the administrative issues associated with sealing and other practices in Chapter 58 of the Family Code.

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March 8, 2016